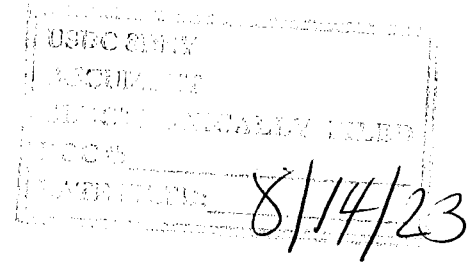


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
JEFFREY ORR, individually, and on behalf :
of others similarly situated, :
Plaintiff, :
:

v. :

TRISTATE NOTE REPURCHASE GROUP :
LLC, d/b/a WINGATE BY WYNDHAM :
FISHKILL, :
Defendant. :
-----X



ORDER

22 CV 10070 (VB)

On August 10, 2023, plaintiff Jeffrey Orr in this Fair Labor Standards Act ("FLSA") case filed a settlement agreement (Doc. #24-1) and a statement explaining the basis for the agreement (Doc. #24) as required by Cheeks v. Freeport Pancake House, Inc., 796 F.3d 199 (2d Cir. 2015).

In reviewing the proposed settlement agreement, the Court has considered the following factors:

- (i) of the \$55,000 settlement amount, a combined amount of \$35,581.22 is attributed to plaintiff and plaintiff's bankruptcy estate, which exceeds plaintiff's calculation of actual unpaid wages in the amount of approximately \$23,143.00;
- (ii) the existence of a bona fide dispute whether plaintiff was properly paid, and discrepancies between pay and time records are explainable through supplemental cash payments to plaintiff that did not appear on pay records;
- (iii) all parties are represented by counsel;
- (iv) the settlement has been approved by plaintiff's Chapter 7 bankruptcy trustee;
- (v) the settlement was reached with the assistance of a neutral mediator;
- (vi) the parties' desire to resolve this action early and avoid the costs and uncertainty associated with drawn-out litigation;
- (vii) the release is limited to employment-related claims accruing before plaintiff executed the settlement agreement; and
- (viii) the absence of a confidentiality or non-disparagement clause in the settlement agreement.

Based on the foregoing, the Court finds the settlement agreement is fair and reasonable, and the product of arm's-length negotiation, not fraud or collusion.

Additionally, the Court finds the attorney's fees, which constitute one-third of the gross settlement amount, in addition to reimbursement of costs, to be fair and reasonable under the circumstances.

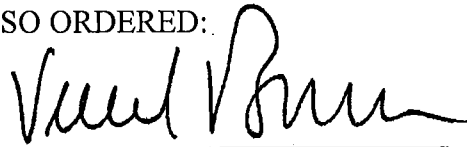
CONCLUSION

Accordingly, the parties' settlement agreement is APPROVED.

The Clerk is directed to close this case.

Dated: August 14, 2023
White Plains, NY

SO ORDERED:

A handwritten signature in black ink, appearing to read 'Vincent L. Briccetti', written over a horizontal line.

Vincent L. Briccetti
United States District Judge